

# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2004-00610

**DATE OF DETERMINATION:** September 6, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
At the project site Y **Date:** August 5, 2004  
(Y/N)

### PROJECT LOCATION INFORMATION:

State: New York

County: Rockland

Center coordinates of site by latitude & longitude coordinates: lat:41-8-20.0040 lon:74-1-59.0160

Approximate size of site/property (including uplands) in acres 12

Name of waterway or watershed: Unnamed

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.2								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary X Or Approved

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2004-00610**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 12

The jurisdictional waters on site consist of (check as many as are appropriate):

   Pond    Lake    Stream    Wetlands\*    Tidal Waters    Other (identify type): N/A

\* If wetlands are present, indicate Cowardin classification:   

Total acres of jurisdictional waters on site: 0

Position of jurisdictional waters in landscape and watershed: N/A

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Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Developed with roads and residences.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1

The NJD aquatic resources on site consist of (check as many as are appropriate):

   Pond    Lake    Stream X Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.2

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Hydric soils and red maple overstory, drainage features not noted and no nexus to waters of the U.S.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by X a surface channel

X underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00032

**DATE OF DETERMINATION:** September 19, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
At the project site Y **Date:** May 10, 2005  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Columbia

Center coordinates of site by latitude & longitude coordinates: lat:42-17-35.0160 lon:73-42-38.0160

Approximate size of site/property (including uplands) in acres: 74.66

Name of waterway or watershed: Mud Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.04								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2005-00032**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 74.66

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):           

\* If wetlands are present, indicate Cowardin classification: PFO/PSS

Total acres of jurisdictional waters on site: 9.77

Position of jurisdictional waters in landscape and watershed:

Wetlands are associated with an unnamed tributary to Mud Creek, which is part of a tributary system to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site currently supports a municipal airport. Cover types on the site include mowed lawn areas, scrub-shrub and emergent wetlands, and paved areas.

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):           

\* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.04

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland B is a small depressional area, which is encompassed by upland vegetation and soils. No discernable inlet or outlet was observed within Wetland B.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel  
   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-00907

**DATE OF DETERMINATION:** September 22, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date: August 26, 2005**  
 At the project site Y **Date: May 26, 2004**  
 (Y/N)

### **PROJECT LOCATION INFORMATION:**

State: New York

County: Rockland

Center coordinates of site by latitude & longitude coordinates: lat:41-10-0.0120 lon:74-2-7.0080

Approximate size of site/property (including uplands) in acres 4.92

Name of waterway or watershed: Unnamed

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.02								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2003-00907**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 4.92

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):           

\* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 2.14

Position of jurisdictional waters in landscape and watershed: South half and west half of property.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Partially developed with church and attendant parking in uplands on the east side of the property.

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # A

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):           

\* If wetlands are present, indicate Cowardin classification: PSS1

Acres of this NJD aquatic resource within property: 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Located about 60-feet northwest of the nearest wetland. Hydric soil with Munsell reading of 10YR 3/2 with mottles. Predominately hydric vegetation with indicator status of FACW and OBL. This is a depressional wetland. Hydrology from sheetflow off the surface.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by X a surface channel

X underground culvert X other means (ie. pipe) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # B

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):           

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Located about 30-feet northwest of the nearest wetland. However, no hydrological connection was noted between the two. Hydrology appears to be governed by sheetflow off the adjacent parking lot. Hydric soil with Munsell reading of 10YR 2/2 with mottles.

Predominately hydric vegetation with indicator status of FACW.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by X a surface channel

X underground culvert X other means (ie. pipe) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00261

**DATE OF DETERMINATION:** September 27, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**

At the project site Y **Date:** May 11, 2005 and  
(Y/N) July 27, 2005

**PROJECT LOCATION INFORMATION:**

State: New York

County: Franklin

Center coordinates of site by latitude & longitude coordinates: lat:44-50-40.9920 lon:74-19-48.0000

Approximate size of site/property (including uplands) in acres 26.2

Name of waterway or watershed: Unnamed Tributary

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.07								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2005-00261**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 26.2

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☐ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: \_\_\_\_\_.

Total acres of jurisdictional waters on site: \_\_\_\_\_.

Position of jurisdictional waters in landscape and watershed:

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.07

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The area is a narrow linear wetland which collects drainage from the surrounding agricultural fields. No discernable inlet or outlet was observed. The wetland is approximately 200 feet from nearest jurisdictional water of the United States. The soils and vegetation is similar to that of the surrounding upland. However, this is determined to be the result of the entire area being disturbed due to the current and past use of the area for agriculture. The soil survey and the historical topo maps fail to show any past connection to waters of the United States.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.